

City of Yachats
PLANNING COMMISSION
Work Session and Meeting Summary
April 19, 2022

PRESENT: Lance Bloch, Chair, Ariana Carlson, Jacqueline Danos, Loren Dickinson, Christine Orchard, John Theilacker, Co-chair, Katherine Guenther, City Planner, Julie Bailey

(3:56) Theilacker gave a brief introduction of what the work session and regular meeting would consist of. Advised that a Face Book post indicating there would be a public hearing regarding the Agate Point Conditional Use Application was incorrect but that such a hearing may be held in the future.

WORK SESSION

I. PARKING WORKSHOP REPORT

(7:44) Dickinson advised he received an email from Brian Davis who is the consultant under DLCD. Davis sent a link for a doodle poll to set up a meeting to go over the schedule, the goals and the scope of the project. Davis is to send a schedule and agenda for the meeting. Dickinson felt the meeting would probably occur sometime next week. He advised Guenther was also on the email and she said she would get the doodle poll link out to everyone.

(9:50) Theilacker asked if the meeting was going to be a zoom meeting.

Dickinson confirmed it would be via zoom as Brian Davis is in Audubon, NJ.

(10:23) Theilacker then asked Dickinson to give a synopsis of the project for anyone new to the project. Dickinson gave the highlights of the study; what exists, what is needed and what can be fixed right now. He also advised that Helen Anderson had done a very detailed overall map of downtown parking.

(12:53) Danos asked if the parking study is running the same as the housing study with a Management Team, the kickoff meeting would be for a small handful, then there would be joint meetings with the Commission and the Council. She went on to say that if too many members of the Commission go to the initial meeting then there is a quorum and public meeting issue. That raised the issue that the doodle poll should only be sent to the two Commissioners attending the initial meeting. Discussion held regarding formatting and making the parking study map available to Commission members.

II. HOUSING NEEDS ASSESSMENT UPDATE

(16:27) Danos referred to the updated document she forwarded to everyone. The first project management meeting is on Friday, April 22nd. Just before the meeting a link with a layered GIS map was sent to look at and make notes on. She advised she will be able to give a better update after that meeting when she understands the methodology. She referred to the zoning map she forwarded and advised that is the type of mapping that will be supplied. She

1 stated further that at the end of the study there will be some really good
2 information compiled.

3 (18:10) Dickinson asked how this will interface with the GIS map and Danos
4 replied that these are layers of the GIS map.

5 (18:51) Guenther interjected that she has zoom meetings with Hui Radomsky
6 every other Friday which have been very helpful She indicated that she
7 asked about the GIS mapping system She now has a meeting with the DLCD
8 GIS mapping folks. Guenther is hopeful that they'll impart some good
9 information. She continued by saying once the base map is done there are so
10 many things the system will help with.

11 (21:45) Dickinson advised that the GIS map can have hundreds of layers and
12 someone at City Hall is going to have to be trained on how to add layers, etc.
13 He advised there is also software that will be required. Discussion continued
14 regarding use of the GIS as well as staff time required and training
15 opportunities. Theilacker suggested perhaps a summer intern who could help
16 set up the GIS system at City Hall.

17 (24:26) Theilacker indicated he read the report and felt the methodology
18 makes sense and is adequate. He will send questions to Danos. He indicated
19 they did two things: an inventory of buildable lands and maximum buildout
20 analysis.

21 (25:28) Danos indicated she would like to see them do an in person walk or
22 drive through to see the constraints and how things are built here. She felt
23 that it is important to look beyond satellite imagery and paperwork.

24 (26:59) Guenther advised she would be happy to walk around with anyone
25 from the team as there aren't too many areas she isn't familiar with.

26 **III. SMALL CODE CLARIFYING CHANGES TO TITLE 9**

27 (28:00) Theilacker advised Title 9 refers to the Yachats Municipal Code:
28 zoning and land use. He indicated that at the beginning of the year the
29 Commission was tasked with identifying work projects that could be
30 undertaken this next year. He gave a rundown of projects that are already
31 ongoing and then reminded the Commission that several had shown an
32 interest in working on the Municipal Code on provisions, requirements and
33 regulations that were unclear, incomplete or inaccurate. Bloch had asked
34 Commissioners to look over the Code and indicate in writing items they felt
35 needed to be changed, updated, corrected... Danos, Dickinson and
36 Theilacker all submitted suggestions and those are in the meeting packet.
37 Now have to determine how to implement the suggestions. Mentioned there
38 are still a few amendments pending, staff review and approval and DLCD
39 review and approval that focus on fences, walls and hedges.

40 (32:37) Guenther indicated that finishing touches were being put on the
41 proposed language and nothing has been done since. Since a few more
42 changes have been made it was decided the starting point would be to bring
43 the proposed language before the current Commission and then send to
44 DLCD for review. She felt this one should be done first so that one revision is
45 seen through completion and then the Commission and her "will know what
46 we're doing".

1 (33:45) Bloch felt that the amendment didn't need to be looked at again as it
2 has been written, edited and rewritten already. A vote has been taken and the
3 wording was approved by the Commission. He would like to send it off to
4 DLCD in a format they are familiar with. He is awaiting instructions on format
5 from them Once approved by DLCD it can go before the Council and then go
6 to a Public Hearing He felt that no more time should be spent on it unless it
7 comes back with an indication that it needs to be changed.

8 (35:35) Guenther said she hadn't remembered the document being voted on
9 and if that is the case she agrees that it should be sent on to DLCD. If such a
10 vote can't be located she would just like the document formatted for DLCD
11 reviewed to make sure it is the correct document and a quick vote – no further
12 editing.

13 (37:05) Dickinson remarked that Guenther had said most issues for her in the
14 Code were regarding enforcement and interpretation. He asked if Guenther
15 could review what had been included in this packet. Guenther indicated that
16 some of her issues had been touched on in those documents, especially the
17 definition of building height and yard definitions that are inconsistent. She felt
18 there were more things, but those two should be pretty straight forward and
19 they are not.

20 (38:34) Further discussion was held regarding how to proceed with the
21 suggestions in the packet.

22 (42:04) Danos felt it would be very helpful to have the City Planner put notes
23 and or language corrections in the revisions suggested. One thing that stood
24 out was in the paperwork received regarding the housing grants, it was noted
25 that in Code 9.24 there is no minimum lot area specified for duplexes.
26 Guenther interjected and indicated the lot size is 2500 square feet that can be
27 reduced to 1500 by review of the planning commission. Danos continued
28 discussing the suggested revisions and felt that Orchard's email needed to be
29 added to the consolidated document as well as the citizen input that was
30 received.

31 (43:50) Orchard felt that the purpose of the Code needs to be clear and
32 understood. Discussion was held on how to proceed as far as definitions,
33 cohesiveness and removing unnecessary and/or confusing wording.

34 (48:20) Theilacker asked if the City Attorney has to look at the provisions
35 before or after the Council gets them. Guenther indicated she didn't think so
36 as DLCD is who reviews the documents and makes sure all State and
37 Federal regulations are being followed.

38 (49:27) Discussion then held on how to properly notice a public hearing.
39 Guenther advised that Hui Radomsky has offered to attend meetings if they
40 need her to and that should help keep the Commission on the right path.

41 (53:30) Bloch suggested/requested if Dickinson would be willing to add to his
42 consolidated suggestions the additional comments from today, the citizen
43 comments and the comments from Orchard's email into one document to use
44 in the next work session. Dickinson agreed to do that and that he would also
45 look at other municipalities for possible examples and will also incorporate
46 any other information other Commissioners supply to their original comments.

1 (57:15) Bloch wanted to point out that if the Commission gets into Agate Point
 2 next month, the Commission may want to cancel the work session and push it
 3 to June. Felt that if Agate Point does get on the docket there will be a lot of
 4 people wanting to speak so it will be a lengthy meeting. Guenther added that
 5 there will be a lot of “homework” with regards to written testimony.

6 (59:23) Orchard asked Guenther if there has been any talk of going back to
 7 in-person meetings. Guenther advised that there has been talk within Council
 8 but there has been no talk of doing away with zoom. More talk of doing hybrid
 9 meetings as more people have been able to participate via zoom like people
 10 that aren't here full time. She has been tasked with determining if the meeting
 11 room is equipped with the appropriate equipment.

12
 13 Work Session was closed at 3:00 pm.

14 15 **REGULAR MEETING**

16 17 **IV. CALL TO ORDER**

18 Bloch called the meeting to order at 3:00 pm and indicated that all six (6)
 19 Commissioners present at the work session are still in attendance.

20 21 **V. PUBLIC HEARING FOR VARIANCE REQUEST AFFECTING QUIET 22 WATER PROPERTY ON COMBS CIRCLE**

23 This is a public hearing on the Lattig-Carver Variance.

24 (1:03:05) Bloch gave a rundown of the procedures for the hearing.

25 **The public hearing for the application on case 1-VAR-PC-22 is open.** The
 26 purpose of the hearing is to consider the application made by Lattig-Carver
 27 for a variance. Does anyone wish to object to the jurisdiction of this Planning
 28 Commission to hear this matter?

- 29 • Does any commissioner wish to make any disclosure or abstain from
 30 participating or voting on this application because of:
 - 31 A. Possible financial gain resulting from this application;
 - 32 B. Own property within the area entitled to receive notice of this hearing;
 - 33 C. Direct private interest in the proposal; or
 - 34 D. You have determined you cannot be impartial.

35 (1:04:17) Dickinson advised he is the Chairman of the Quiet Water Design
 36 Review Committee and as such worked with the applicants extensively on the
 37 review and development of their house design and also resides very close to
 38 their property. He wishes to recuse himself. He is happy to answer any
 39 questions but will not participate in conversation or voting.

40 (1:05:36) Orchard disclosed that she also lived close by the property but that
 41 will not influence her decision.

- 42 • Does any Commissioner need to declare any contact written or oral or
 43 otherwise prior to the hearing with the applicant, appellant or any other
 44 party involved in this hearing or any other source of information outside of
 45 staff regarding the subject of this hearing if so, please state with whom
 you had contact and what was said.

1 There were no declarations from Commissioners.

- 2 • Has the Commission been given all testimony that has been submitted to
3 date?

4 No commissioner indicated they did not receive information.

5 (1:06:42) Bloch indicated that the application, attendant documents and staff
6 report were all included in the meeting packet and Guenther advised there
7 was no written testimony.

- 8 • Does the Commission feel it has had adequate time to review all of the
9 written documents.

10 There were no negative responses.

11 Bloch gave instruction of how public testimony would proceed.

12 (1:08:46) Bloch asked if any of the Commissioners had any questions for the
13 applicant before the public testimony.

14 (1:05:58) Theilacker asked Bloch if there is an opportunity for staff to present
15 its report.

16 (1:09:20) Bloch apologized and advised he inadvertently left that part out.

17 (1:09:35) Guenther advised that the pictures included in the packet tell the
18 story a lot better than the staff report. What is being requested is a variance
19 for the building height limit of 30' to be increased to 31.65'. In the packet there
20 are numerous drawings that show the elevations from different angles, views
21 from street angle; all kinds of things that give a pretty good idea of what this
22 will look like. In terms of deciding on a variance request, the Code gives five
23 circumstances that must be satisfied in order to approve a variance. On Page
24 2 of the staff report she addressed those five circumstances and following
25 that is the testimony of the applicants on how they meet that circumstance.
26 The Planning Commission needs to decide, and she recommends going item
27 by item, whether or not the application satisfies all five of the circumstances. If
28 the circumstances are met it is appropriate to grant the variance and if not,
29 the Planning Commission needs to identify which of the circumstances have
30 not been met and how the Commission came to that conclusion.

31 She indicated the application was complete and advised it was one of the
32 nicest presentations she's seen so that has been satisfied and the decision
33 comes down to those five circumstances.

34 **Public Testimony**

35 (1:12:01) Kelly Lattig introduced David Edrington as the architect that
36 prepared the initial site plan and the details of this variance. Lattig deferred
37 his testimony to Edrington to explain the reasons for doing this.

38 (1:12:59) Edrington introduced himself as: David Edrington, an architect,
39 residing at 240 W 20th Ave., Eugene, OR. One of the architects and planners
40 that redesigned Quiet Water in 1984 and was responsible for the design of
41 clusters and cabins along the river. He thanked the Planning Commission for
42 having the flexibility to allow this type of variance in situations where a site is
43 unusual or extremely difficult. He thanked Guenther for her support in spite of
44 an incredibly difficult schedule and thanked Dickinson for his very
45 professional review on behalf of the Quiet Water PUD and Homeowners
46 Association. He then shared drawings on the screen illustrating three (3)

1 principal points. The first screen share was a site plan. There are three (3)
2 points that are the basis for the application.

- 3 1. He pointed out the northwest facing property line and highlighted how the
4 road and the curve of the road curve away from the property line so that
5 the proposed residence, because of the curve, sits 32.5' back from the
6 curb, which is not unlike a number of the adjoining properties. Making use
7 of the five (5) foot setback exception provided for in the Yachats Code and
8 it is very helpful in this situation and a very, very great example of how that
9 five (5) foot setback is appropriate. He then pointed out the 50' setback
10 from the mean high water known as the Riparian Setback and the two
11 together create a kind of a zone where the footprint of the house can go.
- 12 2. The way in which the street curves away from the house is filled with
13 contour lines which means that the ground slopes away. In the Code, the
14 calculation of building height to the peak of the roof is measured from
15 existing grade, not the new finished grade. so there is the opportunity to fill
16 around the foundation of the house but that does not affect how the
17 building height is measured; it is measured from the existing grade which
18 is what is seen on the sketch and therefore the actual area we are starting
19 to measure is already 13.5' below the curb of the street or the driveway,
20 this is the slope that we are working with so the measurements begin at
21 this point and the measurements have been done on each corner and you
22 will find on page 2 of the attachment a spreadsheet using the City formula
23 for measuring building height. You may question the floor, what we have
24 done, what we have proposed is a cabin or cottage very similar to those
25 along the river in Quiet Water using similar materials and windows and
26 similar scale except it is long and thin in the opposite direction because of
27 the contours and we have calculated a maximum slope down to the
28 driveway to this first floor of 10% which is a substantial slope. Starting at
29 that point 10% down from the curb, the area of living room, kitchen and
30 common area and a desire to have a lofted space up above, again, similar
31 to the cabins along the river. A modestly steeped roof pitch and partial
32 walls that still allow this space to be useable for bedroom and bathroom
33 resulted in the peak of the roof being at this point. The cabins along the
34 river actually have a steeper slope than this, this is 9' and 12', the design
35 review committee allows us to go less than 12' and 12' so we have done
36 that in order to keep the roof height to as modest a height as we can and
37 we are still 1. something feet short and that is the basis for our request.
38 Edrington indicated he would be happy to answer any questions and
39 advised he had further illustrations if they would be helpful in discussing
40 the project.

41 (1:19:45) Edrington said he did have one more comment, part of the issue
42 of building height is the actual perception of it. He made two examples in
43 the model, of a person sitting in a car on, in this case, turning off Yachats
44 River Road onto Combs Circle and if you are sitting in the car this is very
45 close to what you will see. If you are on Combs Circle and passing by the
46 house directly, if you are looking over your left shoulder or your right

1 shoulder, this is what you would see. So we hope that the actual
2 perception of the height of the building is considerably less than its real
3 height when measured based on the Yachats Code.

4 (1:21:06) Carlson questioned the height of the home from street to the top
5 of the roof pitch. Bloch clarified the visible height from the road to the
6 pitch. Carlson agreed.

7 (1:21:30) Edrington indicated that from the corner, the finished grade up to
8 the peak 28' 4.5". Subtracting approximately 13' that is already down
9 below the curb, then the visible height would be about 15'.

10 (1:22:04) Theilacker asked how the two off street parking spaces were
11 going to be accommodated with the design.

12 (1:22:19) Edrington responded one would be in the garage and the other
13 on the driveway.

14 (1:22:24) Theilacker then asked what the length of the driveway will be.

15 (1:22:34) Edrington answered that the driveway would be 32' 6".

16 (1:22:51) Lattig made the clarification that the problem here is that they
17 have been forced to elevate the entire house to produce a driveway slope
18 that is rational to drive down. If we accommodate a 30% slope of the
19 driveway, we could push the house down and not need the variance, but it
20 is not appropriate to drive down a slopy driveway and terminate in a
21 garage where a mistake could be tragic. It is the driveway that has forced
22 them to raise the house to reduce the pitch of the driveway

23 (1:23:35) Carver indicated that there is an easier way to get access to the
24 house from Yachats River Road, but there is a guardrail that blocks access
25 to the property so the only way to gain access is by Combs Circle. When
26 the house was originally designed the driveway slope was 20% and that
27 wasn't safe. That is the reason for the variance request because they had
28 to adjust the slope of the driveway to be 10% versus a 20% slope. Even
29 10% is the max we would want to go for safe access. So really the request
30 is around the ability to access the property with a car and once the other
31 lot is developed there will be no other way to access the property except
32 through Combs Circle.

33 (1:24:53) Danos spoke about a remodel she did recently and they lowered
34 the interior ceiling height. She asked what the ceiling height was on the
35 second and top floors and if changing that had been considered.

36 (1:25:46) Edrington advised that had been a substantial part of the
37 analysis. He advised they used all of the spaces on the edges where the
38 walls could be lowered to be used for storage and mechanical and in this
39 situation the top of the stairs and only the central portion of the second
40 floor and even that has a wall height of 6' at the edge of the central spaces
41 except in the bedroom where there are these two dormers which allow for
42 light and headroom in the bedroom and the design standards for Yachats
43 allow a lower pitch on these dormers so we have studied that loft floor
44 level, third floor level, extensively in order to get these walls as low as
45 possible and to get the roof pitch as low as possible and within the Quiet

1 Water standards, within our notion of trying keep the cabin compatible and
2 similar to the other cabins along the river.

3 (1:27:26) Orchard interjected that perhaps not everyone of the Planning
4 Commission realizes that Quiet Water design requires pitch of a certain
5 angle; a flat roof is not allowed, for example. A pitch is required of a
6 certain steepness.

7 (1:27:49) Danos indicated she was thinking actually of the entrance level
8 that ceiling height if you played with that at all.

9 (1:27:58) Edrington confirmed that the ceiling is at the standard 8' to the
10 bottom of the exposed beams.

11 (1:28:10) Carver advised that their son is 6'3" and he is only 15.

12 (1:28:30) Edrington continued saying that in places where it was, where
13 they could find, for example, the edge of the porch roof, comes down to 7'
14 the fascia board and rafter tails on the garage come down to about 7'
15 These dormer or /bays here and back back here come down to about 7.5'
16 – 8' and so the have tried everything that could be done to keep the scale
17 of the building down while keeping it similar to the other cabins in Quiet
18 Water. The objective was to get it close, to do the best job they could and
19 they ended up when they did the match to be a foot and three or four
20 inches too tall and didn't know any reasonable way to get it shorter.

21 (1:29:40) Bloch asked for more questions to Edrington and there being
22 none advised the Commission would move on. He then asked if there
23 were any speakers who were proponents of the project who would like to
24 make any comments or testimony.

25 (1:30:21) Nan Scott, President of the Quiet Water Homeowners
26 Association made a comment in favor of allowing the variance. She went
27 on to say the three lots are very difficult to build on and we are very
28 pleased with the outside and the conformance to other structures in the
29 subdivision and we feel that it would be a wonderful addition. I think they
30 have done due diligence in trying to get under the requirement and I think
31 they have done a very good job of explaining how they have gone as low
32 as they can go.

33 (1:31:15) Bloch asked if any other proponents wished to speak and there
34 being none he asked if there were any opponents who wished to speak.

35 (1:31:42) As there was no one wishing to speak in opposition, Bloch asked
36 if there was anyone who wished to speak neither as a proponent or
37 opponent.

38 (1:32:04) With no one else wishing to speak, Bloch moved on to applicant
39 rebuttal and since there were no opponents to the variance request Bloch
40 asked Edrington if there was anything he wished to add

41 (12:32:28) Edrington indicated he felt they adequately described the
42 situation but would be happy to answer any further questions.

43 (1:32:42) Bloch asked Dickinson if he wished to make a statement
44 regarding the hearing held by the Homeowners Association concerning
45 the property.

1 (1:32:53) Dickinson indicated that it has “long been known” the difficulty of
2 these three lots. They have been on the market for a long time and he felt
3 Kendra and Kelly have stepped up and took on a very, very, very difficult
4 and complex project and David has done very well in working with them to
5 get it to where it was acceptable to the Design Review Committee of Quiet
6 Water and he commends them for their efforts.

7 (1:33:36) Bloch asked if any other Commissioners have other questions or
8 comments to make of the speakers.

9 (1:33:50) Danos indicated she was confused by the mention of a third lot;
10 how it plays into anything.

11 (1:34:07) Edrington offered to share a site plan on the screen to help
12 explain the issue of the lots. He shared the site plan and then indicated his
13 clients bought three lots; he believes the last three lots in Quiet Water, but
14 certainly the most difficult lots. He indicated the that the property line
15 running through the house has been removed with Lincoln County and so
16 there are now two lots and what will happen one day in the future in order
17 to make “this lot” more buildable and in order to get a little further away
18 from this existing house, we will ask for a lot line adjustment of this
19 property line to the north, always maintaining the proper setback and
20 always maintaining the proper distance between the two buildings when
21 they are ready to build on this lot.

22 (1:35:59) Carver interjected with their history of the property. When they
23 originally bought the lot, Lot #52; the other two lots were not for sale at the
24 time. So the initial lot, Lot #52, is what they were going to build on. The
25 issue that came is if they had built on Lot #52, the other two lots would
26 have become unbuildable because no one would be able to get access to
27 them. After the purchase of this lot, the person who owned the other two
28 lots came to us and we decided to buy, my husband liked these two lots
29 and that’s how we ended up with the three lots. She just wanted to give a
30 history. The way it worked, unfortunately, is we have to build, so ideally we
31 may sell this lot at the end of the day or build on it, but unfortunately the
32 way the lots are set up this lot has to be built on first in order for anything
33 to be built on lot #52 because you wouldn’t be able to get access to the
34 other two lots. So that is why, actually we started this back in October
35 thinking we’d just build a little house here for my mom and thinking they
36 could do something really quick but obviously with all the complexities with
37 bridges and lack of access, here we are in April. So originally the smaller
38 house would be for my mother and my son as I mentioned, and then at
39 some point we’ll build a larger house for Kelly and I, but that is how we
40 ended up in this situation is because we bought lot #52 first and then
41 because the other two lots would become unbuildable at that point we
42 ended up buying the other two lots thinking we’ll either buy that for our son
43 or my mother and that at a later point in time my husband and I will build
44 another house on lot #52 which has some issues too, because you can’t
45 see it here but right now there are actually steps and this house borders
46 right on our property so we’d have to push back in order to build, I think

1 Loren said 15', is the guideline between homes (Orchard interjected it was
2 14'). So we'd have to push back for that. So that is kind of the history of
3 how we ended up with the three lots, it was not deliberate it just kind of
4 transpired. But we see this as an opportunity to build something for my
5 mother and my son in the future and then we'll build a more permanent
6 home for me and Kelly on that Lot #52 which will push away from the
7 south a little bit. But anyway, that gives you some history maybe
8 explaining is a technicality, but it explains how we ended up with the three
9 lots I don't know if that helps.

10 (1:39:18) Theilacker questioned Edrington's comment about consolidating
11 the two lots, removed the lot line through Lincoln County. Theilacker felt
12 that what was actually done was consolidating two tax parcels into one
13 common tax parcel. He (Theilacker) didn't think the legal lot line was
14 moved. As he understood Oregon Procedure he felt they would need to
15 file a replat with the City to actually physically remove that lot line but that
16 is his understanding of procedure.

17 (1:40:17) Bloch indicated that in the packet was an Owners' Request for
18 Consolidation and it requests the Lincoln County Assessor's Office to
19 consolidate the following tax account numbers in accordance with
20 Ordinance 308.210.

21 (1:40:41) Guenther interjected advising that Theilacker was correct and
22 that there are two steps as far as a property line adjustment for the City, it
23 is literally just a signature because they are not creating any lot that is
24 non-conforming so the procedure for doing that, it is much more difficult to
25 put that line in than it is to take it out, basically. As long as no non-
26 conforming lots are being created, the City says go right ahead. That
27 would also be part of the building permit application process and she
28 (Guenther) would sign off on that. A single address has been assigned at
29 this point and will assign a single tax lot as well. Guenther gave points to
30 Theilacker for catching that.

31 (1:41:43) Danos thanked Carver for the clarification on the three lots. She
32 indicated her appreciation of the applicants looking into the height limits
33 and trying to do that as best as they could. That being said, she expressed
34 personal concern about 30' foot height allowances of single-family houses
35 to begin with and the idea of setting a precedent for doing that always
36 makes her a little nervous. She is hoping that when building on the next lot
37 they don't look and say "oh, we have a precedent, we can go over 30
38 feet." Because that makes her worried and she just wanted to "throw that
39 out there".

40 (1:42:26) Carver replied that on the next house a variance won't be
41 necessary because there won't be the driveway issue. The issue right now
42 is just really the slope of the driveway and the fact that we had to raise the
43 house up to have, access to the home through the driveway, that's the
44 bottom line. Unfortunately, we had to raise the level up in order to not
45 have a huge slope that's really the issue, the slope of the driveway. There
46 won't be the same issue on the other lot because they won't have to build

1 a bridge. If they didn't need to build a bridge, they wouldn't be doing it.
2 Carver further indicated they've been working on this since September
3 trying to find ways around it and unfortunately this is it. There will definitely
4 be no need for the other house because they can get access without any
5 kind of bridge.

6 (1:43:52) Edrington interjected, referring Danos to the site plan being
7 shared on the screen. He pointed out that the roadway does not curve
8 away from this property line as it does on the lot in question. There is a
9 normal frontage between the curb and the property line and you will notice
10 the contours are not nearly as steep and numerous as they are here and
11 so there is much less steepness and much less falling away of the grade
12 on this lot line. It is much more similar to this adjacent house where these
13 folks pretty much drive straight into their garage. We will have something
14 more like, between the two, but it is much more similar to the condition of
15 this lot than the condition up here on this lot where the curb curves away
16 from the front property.

17 (1:45:07) Bloch asked for any other questions of the presenters. Seeing
18 none he asked the Planning Commission do you believe all necessary
19 evidence has been presented that you need in order to make a decision?
20 There were no negative responses and Bloch closed Public Testimony.

21 (1:46:00) Bloch asked the Commission to share any points to justify a
22 decision one way or another.

23 (1:46:17) Orchard commented based on two things: She has seen the lot
24 enough and have often stood at the curb and looked down into the "gorge"
25 basically and wondered how to get to a house built there. She agreed the
26 applicants were correct there is no way to get to a house without a bridge.
27 The other comment is that she has great faith in Dickinson's ability to
28 analyze something and come to a decision. So, the fact that he and the
29 Design Committee put their green stamp on it carries a lot of weight for
30 her.

31 (1:47:18) Theilacker indicated that in his experience it seems to be one of
32 the most appropriate applications of the variance process. It is a tough lot
33 to build on and whether it should have been platted as a buildable lot is
34 questionable, but since they are considered to be useable lots, he felt the
35 variance for building height is appropriate. They have a riparian setback
36 that is sort of driving the design as well which they are honoring and it
37 seems none of the neighbors have any objections to the request for the
38 height increase.

39 (1:48:15) Orchard had one more comment. She agreed with Danos'
40 concern of making an exception to the code and you start on a slippery
41 slope; it has to be an extreme condition such as this to justify it.

42 (1:48:36) Danos thanked Theilacker for pointed out the "extreme" nature
43 of that lot and agreed it probably should not have been platted as a
44 buildable lot. She commended the applicants for their work in keeping the
45 height a minimal as possible.

1 (1:49:01) Bloch wanted to make note of what was pointed out by
 2 Theilacker, in Section 9.60.020G1 it says for planned unit developments
 3 such as Quiet Water. "No building shall exceed a height of 30' except that
 4 the height increase can be justified on the basis of unique lot
 5 characteristics, topographical conditions or other natural features." He felt
 6 that described the lot(s) in question.

7 (1:50:00) Bloch asked again for any other comments or questions. Seeing
 8 none he asked if a Commissioner was willing to make a motion to vote on
 9 approving or disapproving this variance.

10 (1:50:20) Danos moved that **we do a vote on approval of variance 1-**
 11 **VAR-PC-22.**

12 (1:51:00) Theilacker indicated that staff had requested on page 4 of 5 that
 13 if the Planning Commission is moving for an approval, staff has asked that
 14 we add "development shall be in accordance with all R1 standards except
 15 for the approved variance for building height". He would like to amend to
 16 motion to say **we do a vote on approval of variance 1-VAR-PC-22 and**
 17 **that development shall be in accordance with all R1 standards**
 18 **except for the approved variance for building height of 31.65'.**

19 **Vote:** Carlson, yes; Danos, yes; Dickinson, recuse; Orchard, yes;
 20 Theilacker, aye; Bloch, yes. **Motion carried with 5 yes and 1 recusing.**

21 (1:52:33) Bloch indicated the Planner now needed to prepare the
 22 appropriate documents to approve the variance.

23 (1:52: 44) Guenther said she would be prepare the findings and
 24 conclusion.

25 (1:53:25) Bloch closed the Public Hearing at 3:51 pm.

26 VI. ANNOUNCEMENTS AND CORRESPONDENCE

27 (1:54:01) Bloch said there had been mention of correspondence relating to
 28 the hearing Is there any other correspondence?

29 (1:54:16) Theilacker referred to communication from John Ayer with regard to
 30 the CIC discussion. Danos also advised she received the municipal code
 31 updates and changes. Bloch indicated he didn't see that communication and
 32 Danos advised she forwarded it to everyone and requested that it be included
 33 in the packet. Bloch suggested putting the information forward as this topic
 34 will not be discussed in this meeting but is the topic of the next work session.

35 (1:55:53) Carlson advised that she enjoys her time on the Planning
 36 Commission but her business is expanding and she is opening a second
 37 landscaping design build firm serving the entire state of Oregon. She was
 38 making an effort to locate housing in Yachats as her landlords decided to sell
 39 their house and being unable to find housing in Yachats so she could
 40 continue her work on the Planning Commission she is relocating to Portland.
 41 She is resigning her position on the Commission and thanked the other
 42 Commissioners and indicated that she's been on the Commission for a little
 43 over two years and she learned a lot and enjoyed her time and since she's
 44 resigning, she can't vote for Julie Bailey but if she was, she'd vote for her
 45 she'll make a great addition.

1 (1:57:31) Bloch thanked Carlson for her time on the Commission and asked
2 for a clarification on her resignation. She advised she would make the
3 resignation effective at the end of the meeting thereby allowing her to
4 participate in the vote on Julie Bailey. Bloch thanked Carlson again for her
5 time on the Commission.

6 **VII. CITIZEN CONCERNS**

7 None.

8 **VIII. NEW BUSINESS**

9 **A. Interview Julie Bailey for the Planning Commission**

10 (1:59:35) Julie apparently stepped away...time spent trying to get her back
11 on the meeting. Commission will continue to the next item and come back.

12 (2:20:51) Bloch returned to the interview with Julie Bailey and she was
13 available. He commented that the Commissioners had a copy of the
14 volunteer application and asked if anyone had questions for her.

15 Discussion was held regarding her becoming an American citizen on
16 February 22nd and that at least being a requirement for becoming a council
17 member. Discussion continued regarding her preference to in-person
18 meetings and using a hybrid meeting format with both in-person and zoom
19 available. There were no comments from the Commissioners but Bailey
20 indicated she had a couple of comments: She has never worked or
21 volunteered in a government situation before, she doesn't have grant
22 writing experience but does have experience with the business end of
23 planning and codes. She is looking forward to learning.

24 (2:24:44) Dickinson made the motion to **recommend to the City Council**
25 **that Julie Bailey become a member of the Planning Commission.**

26 **Vote:** Carlson, yes; Danos, yes; Dickinson, yes; Orchard, yes; Theilacker,
27 yes; Bloch, yes. **Motion unanimously.** Her recommendation is on the
28 Council agenda for tomorrow so she would be able to participate in the
29 next meeting.

30 **IX. OLD BUSINESS**

31 **A. Vote of CIC Rewrite**

32 (2:01:47) Bloch referred back to correspondence from John Ayer
33 indicating he had some changes regarding the CIC write-up that the
34 Commission has so far. He recommended three specific changes and
35 Bloch read them. He then asked Ayer if he had anything else to add.

36 (2:03:46) Ayer responded he thought his letter was self-explanatory and
37 that the local residents would, have more faith in transparency through
38 citizen reporting to citizen. He did explain in more detail what he meant by
39 the items in his letter.

40 (2:05:20) Danos felt they had determined that Public Works and Streets
41 and Parks and Commons all work on land use projects so there needs to
42 be a connection between the three commissions and the CIC. Discussion
43 continued about the CIC and volunteers working with these other two
44 commissions. Change item 4 to: Increase citizen input to long range
45 planning. This may include input to Comprehensive Plan updates. It may
46 also include preparation, distribution, and analysis of community surveys

1 as required by ~~Planning Commission~~ all land use projects initiated by the
 2 City. Item 5 will remain unchanged. Item number 7 will be removed. Item 2
 3 Report directly to the Yachats City Planner concerning all active projects.
 4 Identify the person to do this report and rotate the function to provide
 5 opportunities for cross training. Danos and Guenther liked changing it to
 6 the Planning Commission, Theilacker disagreed.

7 (2:12:01) Danos suggested holding off on the changing of Item 2 until
 8 speaking with DLCD and Hui. She felt Hui would be helpful to parse out
 9 the mechanism to get this going.

10 (2:12:22) Bloch indicated that would put off getting this done for a good
 11 deal of time and several rewrites have already been done and he would
 12 rather have an agreement reached in this meeting.

13 (2:12:40) Theilacker explained his reasoning for having the CIC report to
 14 the City Planner.

15 (2:14:08) Danos interjected about the Water Sustainability "Committee"
 16 and perhaps the City doesn't want a CIC Committee due to public meeting
 17 laws, etc.

18 (2:14:58) Guenther advised a meeting was held the other day and what is
 19 desired is to have groups work effectively but not be subject to all the red
 20 tape. She also indicated that she felt the State mandated this be a
 21 committee and that would require staff time for minutes, etc.

22 (2:16:30) Dickinson indicated he was not a proponent of moving it to the
 23 Planning Commission as stated in other comments. He also wanted the
 24 Commission to realize the committee was not being set up right now, just
 25 making recommendations and if DLCD determines something is not
 26 appropriate those setting up the committee will take that into account.

27 (2:17:28) Orchard clarified that no changes will be made to Item 2 and
 28 make changes along the way if DLCD or Council recommends otherwise.

29 (2:18:34) Bloch agreed with Dickinson's about the recommendation and
 30 just recommend what the commission thinks is appropriate and if city
 31 council wants to change it, they can.

32 (2:18:59) Theilacker made the motion: **that the Planning Commission**
 33 **move the Citizen Involvement Committee structure as dated 2/21/22,**
 34 **February 21, 2022, the most recent version, as amended today by the**
 35 **Planning Commission in particular, changes to duties number 4, 5**
 36 **and 7 as discussed for Council consideration.**

37 **Vote:** Carlson, yes; Danos, yes; Dickinson, yes; Orchard, yes; Theilacker,
 38 yes; Bloch, yes. **Motion carried unanimously.**

39 (2:20:18) Bloch said he would make the changes and send it out to the
 40 Commissioners in an email and to the Mayor.

41 X. **PLANNER REPORT**

42 (2:27:06) Guenther advised she had nothing formal and was going to try to
 43 get another building report into the packet but had to choose between
 44 pleasing the Commission or pleasing the IRS. She would like to do them
 45 perhaps quarterly and then do a year-end summary. She advised she has
 46 spoken with all the local contractors and it appears it will be another busy

1 summer for building. Good news is she has actually been able to listen to all
2 the voice mails and started to reply to some of her emails and will be caught
3 up in time to get slammed again. She is hoping to meet with Bloch and
4 Theilacker monthly the week before the Commission meeting to review the
5 agenda. She reiterated that she is meeting every other week with Hui
6 Radomsky from DLCDC which has been really helpful. She is hopeful to be
7 able to turn around upcoming building permits in a week or two.

8 (2:29:46) Theilacker asked the status of the wetlands mapping project that we
9 needed to update for Council approval.

10 (2:30:02) Guenther indicated it needed to be updated for Department of State
11 Lands. She said it was completed in June, 2011 and it ended up sitting on a
12 shelf in the planner's office and it never got fully adopted by DSL. Because of
13 how long it sat the information now needs to be in a different format; that is
14 where that GIS mapping is needed. She's hoping to "carry it across the finish
15 line". She explained that right now she has to use the State map for wetlands
16 instead of the local map.

17 (2:32:23) Theilacker asked for confirmation that Guenther received a letter
18 from DSL basically saying if you do these things it can be adopted. Guenther
19 advised that was the hope but it was more complicated than originally thought
20 and then her focus went elsewhere.

21 (33:43) Bloch felt that with the sale proposed for the Adobe that there may be
22 a wetlands issue coming up in the near future. Guenther advised the sale was
23 actually complete and conversation was held about the possible wetlands
24 issue.

25 (2:35:05) Orchard asked who the new owners were and Guenther replied that
26 it was actually purchased under a couple of LLCs.

27 (2:35:50) Danos wanted to understand if they were not getting a monthly
28 planner's report or just getting a different format. Guenther answered she
29 would like to do them quarterly because it is time consuming. She is willing to
30 do it monthly but be able to do it more easily quarterly. Danos interjected
31 saying the report was more than just building permits and having information
32 like the Adobe being sold is something the Planning Commission needs to
33 know. Discussion continued on what the Commission needed to know such
34 as business sales, etc. Danos asked about the 3rd St property and if there has
35 been any movement and if the debris would be cleared anytime soon. Those are
36 the types of things she felt the Commission should be made aware of in a
37 report. Guenther advised that she works six days a week and would like to
38 make the best use of her time as Planner. More discussion was held on what
39 is appropriate for Guenther to relay to the Planning Commission. Danos
40 summarized her request by saying that often times the Commission is asked
41 questions about projects and without a monthly report they don't necessarily
42 have information to impart. Guenther agreed that she would be sure to report
43 any land use activities to the Commission as they come about, upcoming
44 projects as well as status of projects already approved.

45 **XI. OTHER BUSINESS**

46 **A. From the Commission**

1 (2:26:36) Theilacker advised that he had discussed with Bloch and
2 Guenther the idea of moving the work session to a week in advance of the
3 regular Planning Commission meeting rather an hour before and he went
4 on to explain his reasoning.

5 (2:29:28) Bloch commented that if there was a public hearing coming up,
6 the Commission would be unable to discuss it in a work session one week
7 prior without allowing the applicant access. Guenther advised the thought
8 was a good idea, but the Commission would have to be very, very careful
9 about what was being discussed regarding any land use application. She
10 went on to say that she has to submit all information regarding a public
11 hearing a week in advance anyway so that would give the time needed for
12 review and to request any further information.

13 (2:53:53) Dickinson voiced the concern that even the appearance of
14 deliberating during a working session would be inappropriate. As far as a
15 separate work session he felt it would be helpful to get actual work done.

16 (2:55:00) Danos also like the idea of a separate work session citing the
17 fact that if the Commission "is on a roll" with something they have to stop
18 at 3 pm for the public meeting. If something is accomplished the
19 Commission wouldn't have to wait for the next month to approve it, it could
20 be approved the next week. Discussion continued amongst the
21 Commission and all agreed that it was a good idea. Orchard suggested
22 leaving the option open that if there isn't something to work on the session
23 could be cancelled.

24 (2:27:18) Bloch did bring to the Commission's attention that an additional
25 meeting would impact staff time and that needed to be taken into
26 consideration. Guenther indicated the staff time would be her and she is in
27 favor of two meetings because long meetings are draining and people lose
28 focus. She also pointed out that a quorum is not required for a work
29 session so things can still get done if someone can't make it.

30 (2:59:46) Danos brought up playing "catch-up" with meeting minutes and
31 asked if they would now be done regularly and if so if there are minor
32 changes can they be emailed in. Guenther said that could be done and
33 advised changes could be emailed to the admin email address for the
34 City.

35
36 Meeting adjourned at 5:00 pm.

37 Transcribed by Contractor, L.F. Barrett, May 2, 2022